

ASSEMBLY BILL

No. 2015

Introduced by Assembly Member Arambula

February 17, 2010

An act to amend Sections 18961.5 and 18986.46 of the Welfare and Institutions Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2015, as introduced, Arambula. Child abuse: interdisciplinary and integrated services.

Existing law authorizes a county to establish a computerized data base system within the county to allow designated provider agencies, as defined, to share identifying information regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams, for the prevention, identification, management, or treatment of child abuse.

This bill also would include the tracking of child abuse as one of the specified objectives of the multidisciplinary teams using the computerized database system.

Existing law provides for the establishment of integrated children's services programs, coordinated children's service systems that offer designated services to children and families. Under existing law, children's multidisciplinary services teams, consisting of two or more persons trained and qualified to provide one or more of the designated services, are responsible in the program for identifying the educational, health, or social service needs of a child and his or her family, and for developing a plan to address those needs.

Under existing law, an integrated children's services program is permitted to establish a unified services record for a child and family,

containing specified records of prior services that are released to the program and are relevant and necessary to formulate an integrated services plan, pursuant to valid written authorizations.

This bill also would authorize records of prior services, as contained in the unified service record, to be released pursuant to electronic authorizations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18961.5 of the Welfare and Institutions
2 Code is amended to read:
3 18961.5. (a) Notwithstanding any other provision of law, any
4 county may establish a computerized data base system within that
5 county to allow provider agencies, as defined in subdivision (h),
6 to share identifying information, as specified in subdivision (c),
7 regarding families at risk for child abuse or neglect, for the purpose
8 of forming multidisciplinary personnel teams, as defined in
9 subdivision (d) of Section 18951, for the prevention, identification,
10 *tracking*, management, or treatment of child abuse.
11 (b) Each county shall develop its own standards for defining
12 “at risk” before joining this system. Only information about
13 children or the families of children at risk for child abuse or neglect
14 may be entered into a computerized data base system established
15 pursuant to this section.
16 (c) With regard to a case in which a child or family has been
17 identified as at risk for child abuse or neglect under this section,
18 only the following information shall be entered into the system:
19 (1) The name, address, telephone number, and date and place
20 of birth of family members.
21 (2) The number assigned to the case by each provider agency.
22 (3) The name and telephone number of each employee assigned
23 to the case from each provider agency.
24 (4) The date or dates of contact between each provider agency
25 and a family member or family members.
26 (d) The information may only be entered into the system by, or
27 disclosed to, provider agency employees designated by the director
28 of each participating provider agency. Members of the
29 multidisciplinary personnel teams shall be drawn from these

1 designated employees, or other persons, as specified in Section
2 18961. The heads of provider agencies shall establish a system by
3 which unauthorized personnel cannot access the data contained in
4 the system.

5 (e) The information obtained pursuant to this section shall be
6 kept confidential and shall be used solely for the prevention,
7 identification, *tracking*, management, or treatment of child abuse,
8 child neglect, or both.

9 (f) This section shall not supplant any duties required by the
10 Child Abuse and Neglect Reporting Act (Article 2.5 (commencing
11 with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal
12 Code).

13 (g) No employee of a provider agency which serves children
14 and their families shall be civilly or criminally liable for furnishing
15 or sharing information as authorized by this section.

16 (h) For the purposes of this section, “provider agency” means
17 any governmental or other agency which has as one of its purposes
18 the prevention, identification, *tracking*, management, or treatment
19 of child abuse or neglect. The provider agencies serving children
20 and their families which may share information under this section
21 shall include, but not be limited to, the following entities or service
22 agencies:

- 23 (1) Social services.
- 24 (2) Children’s services.
- 25 (3) Health services.
- 26 (4) Mental health services.
- 27 (5) Probation.
- 28 (6) Law enforcement.
- 29 (7) Schools.

30 SEC. 2. Section 18986.46 of the Welfare and Institutions Code
31 is amended to read:

32 18986.46. (a) A program shall utilize children’s
33 multidisciplinary services teams, as defined in this chapter.

34 (b) A team member shall provide program services only as
35 employed by, under contract with, or otherwise affiliated with, the
36 program, and shall not share information, or provide program
37 services, when acting as a separate local, state, or private agency
38 or entity.

39 (c) A program shall be considered a single program for purposes
40 of federal substance abuse program regulations contained in Part

1 2 (commencing with Section 2.1) of Title 42 of the Code of Federal
2 Regulations.

3 (d) Notwithstanding any other provision of law regarding
4 disclosure of information and records, a program shall be permitted
5 to establish a unified services record for a child and family. That
6 record shall contain all records of prior services that are released
7 to the program and that are relevant and necessary to formulate an
8 integrated services plan, pursuant to valid written authorizations,
9 *including electronic authorizations*, as well as a record of all
10 service provided under the program.

11 (e) Notwithstanding any other provision of law regarding
12 disclosure of information and records, when a child enters the
13 program a parent, guardian, judicial officer with jurisdiction over
14 the minor, or a minor with legal power to consent, shall be asked
15 to sign a single authorization that gives a knowing and informed
16 consent, in writing, and that complies with all other applicable
17 provisions of state law governing release of medical, mental health,
18 social service, and educational records, and that covers multiple
19 service providers, in order to permit the release of records to the
20 program. This single authorization shall not include adoption
21 records. The authorized representative of the child, or the child in
22 a case where he or she has the legal right to consent, shall be fully
23 apprised of the requirements of this subdivision prior to
24 participation in the program. Before information may be exchanged
25 about a particular child or family pursuant to this chapter, a
26 representative of the program shall do all of the following:

27 (1) Explain to the authorized representative of the child, or the
28 child in a case where he or she has the legal right to consent, both
29 of the following, and this explanation shall be given before any
30 information about the child or family is recorded and before any
31 services are provided:

32 (A) Information provided by the child or family may only be
33 exchanged within the program with the express written consent of
34 the authorized representative.

35 (B) Information shall not be disclosed to anyone other than
36 members of the multidisciplinary children's services team, and
37 those qualified to receive information as explained in subdivision
38 (i).

39 (2) The authorized representative of the child, or the child in a
40 case where he or she has the legal right to consent, shall be

1 informed that he or she has a right to refuse to sign, or to limit the
2 scope of, the consent form, and that a refusal to sign, or to limit
3 the scope of, the consent form will not have an adverse impact on
4 the client's eligibility for services under the programs described
5 in this chapter.

6 (f) The knowing and informed consent given pursuant to this
7 chapter shall only be in force for the time that the child or family
8 is a client of the program.

9 (g) (1) Notwithstanding any provision of state law governing
10 the disclosure of information and records, persons who are trained,
11 qualified, and assigned by their respective agencies to serve on
12 teams within a program and other team members included pursuant
13 to this chapter may view relevant sections of unified program
14 records and may disclose to one another relevant information and
15 view records on a child or the child's family as necessary to
16 formulate an integrated services plan or to deliver services to
17 children and their families.

18 (2) This information and records may include information
19 relevant to the evaluation of the child and his or her family, the
20 development of a treatment plan for the child and his or her family,
21 and the delivery of services. Relevant information and records
22 shall be shared with family members or family designees on the
23 team, except information or records, if any, disclosure of which
24 the team determines would present a reasonable risk of a significant
25 adverse or detrimental effect on the minor's psychological or
26 physical safety.

27 (h) (1) If the members of a multidisciplinary services team
28 within an integrated children's services program require records
29 held by other team members, copies may be provided to them.

30 (2) Notwithstanding any other provisions of law regarding
31 disclosure of information and records, a program may establish
32 and maintain a common data base for the purpose of delivering
33 services under the program. The data base may contain
34 demographic data and may identify the services recommended for,
35 and provided to, a child and his or her family by the program. The
36 data base shall be for use and disclosure only within the program,
37 except by properly authorized consent by a parent, guardian,
38 judicial officer with jurisdiction over the child, or a minor with
39 the legal power to consent.

(3) The program may authorize use of information contained in the data base for bona fide evaluation and research purposes, unless otherwise prohibited by law. No information disclosed under this paragraph shall permit identification of the individual patient or client. The release of copies of mental health records, physical health records, and drug or alcohol records in programs establishing a unified services record shall be governed by the single authorization of informed and knowing consent to release these records. In programs not establishing a unified services record and not utilizing the single authorization of informed and knowing consent, release of these records may take place only after the team has received a form permitting release of records on the child or the child's family, signed by the child, to the extent the records were generated as a result of health care services to which the child has the power to consent under state law, or, to the extent that the records have not been generated by the provision of these health care services, by the child's parent, guardian, or legal representative, including the court which has jurisdiction over those children who are wards or dependents of the court.

(i) The multidisciplinary team may designate persons qualified pursuant to Section 18986.40 to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (k).

(j) The sharing of information permitted under subdivision (g) shall be governed by memoranda of understanding among the participating service providers or agencies in the coordinated children's service system or program. These memoranda shall specify the types of information that may be shared without a signed release form, in accordance with subdivision (e), and the process to be used to ensure that current confidentiality requirements, as described in subdivision (k), are met. This paragraph shall not be construed to waive any right of privilege contained in the Evidence Code, except in compliance with Section 912 of that code.

(k) Every member of the children's multidisciplinary services team who receives information or records on children and families served in the integrated children's services program shall be under the same privacy and confidentiality obligations and subject to the

1 same confidentiality penalties as the person disclosing or providing
2 the information or records. The information or records obtained
3 shall be maintained in a manner that ensures the maximum
4 protection of privacy and confidentiality rights.

5 (l) This section shall not be construed to restrict guarantees of
6 confidentiality provided under federal law.

7 (m) Information and records communicated or provided to the
8 program, by all providers, programs, and agencies, as well as
9 information and records created by the program in the course of
10 serving its children and their families, shall be deemed private and
11 confidential and shall be protected from discovery and disclosure
12 by all applicable statutory and common law protections. Civil and
13 criminal penalties shall apply to the inappropriate disclosure of
14 information held by the program. Nothing in this section shall be
15 construed to affect the authority of a health care provider to disclose
16 medical information pursuant to paragraph (1) of subdivision (c)
17 of Section 56.10 of the Civil Code.

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